

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

ALLIANCE FOR HIPPOCRATIC  
MEDICINE, *et al.*,

Plaintiffs,

V.

U.S. FOOD AND DRUG  
ADMINISTRATION, *et al.*,

Defendants.

Case No. 2:22-cv-00223-Z

## UNOPPOSED MOTION FOR LEAVE TO FILE AMICUS BRIEF

Pursuant to Fed. R. Civ. P. 7, and Local Rule 7.2(b), the State of Missouri, respectfully seeks this Court's leave to file the accompanying brief as an amicus curiae in support of Plaintiffs' Motion for Preliminary Injunction (Doc. 6). This Court has granted motions to file amicus curiae briefs in appropriate cases, including in this case (Doc. 30). Consistent with Fed. R. App. P. 29(a)(4)(E), counsel for Missouri authored its brief in whole; no counsel for a party authored this brief in any respect; and no other person or entity contributed monetarily to this brief's preparation or submission. Missouri also obtained consent from both parties.

The State of Missouri has a strong interest in this litigation because the FDA’s decision to create a regime of abortion by mail imposes harms that necessarily spill over into Missouri—impeding the operation of state law and drastically increasing the risks faced by Missouri women. Resolution of the motion for a preliminary

injunction is thus of vital importance to Missouri's interest in enforcing its laws and protecting the health and safety of its citizens.

Missouri's proposed brief provides the court with additional context about the harms women face from chemically induced abortions and how the FDA's decision to allow abortion by mail aggravates those harms. Although another state is moving to file an amicus brief in this case, Missouri separately seeks leave to file a short brief because Missouri was a party to two federal lawsuits where, among other things, abortionists made remarkable concessions in open court that are highly relevant to this case. Those concessions illuminate the heightened risks the FDA's rule imposes on women. This brief brings those concessions to the court's attention.

### **CONCLUSION**

The Court should grant the motion for leave to file an amicus brief and accept the State's brief for filing.

Dated: February 10, 2023

Respectfully submitted,

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**CERTIFICATE OF CONFERENCE**

I certify that the parties stipulated by joint motion that they would not oppose the filing of amicus briefs in this case and also that counsel for amicus conferred with counsel for Plaintiffs and counsel for Defendants, who represented that they consent to this motion.

/s/ Joshua M. Divine

JOSHUA M. DIVINE

**CERTIFICATE OF SERVICE**

I certify that on February 10, 2023, a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) and served on all counsel of record.

/s/ Joshua M. Divine

JOSHUA M. DIVINE